



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

REGULAR MEETING

FEBRUARY 28, 2006

PRESENT: Koepp-Baker, Benich, Davenport, Escobar, Lyle, Mueller

ABSENT: None

LATE: Acevedo, who arrived and was seated 7:05 P.M.

STAFF: Planning Manager (PM) Rowe, Senior Planner (SP) Tolentino, Senior Civil Engineer (SCE) Creer, and Minutes Clerk Johnson

Chair Lyle called the meeting to order at 7:01 p.m., as he led the flag salute.

DECLARATION OF POSTING OF AGENDA

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

With no members of the audience indicating a wish to address matters not on the agenda, the time for public comment was closed.

MINUTES:

DECEMBER 13,
2005

THE DECEMBER 13, 2005 MINUTES WILL BE CONSIDERED AT A FUTURE TIME.

FEBRUARY 14,
2006

COMMISSIONERS MUELLER/ESCOBAR MOTIONED TO APPROVE THE FEBRUARY 14, 2006 MINUTES WITH THE FOLLOWING CORRECTIONS:

Page 1, (Public Comment): "Why not?" *Commissioner Mueller responded with the explanation which included: "The City Council at that time was not in favor of the having the shopping center in any event. Members of the public took the initiative and put the measure on the ballot. That ballot measure was strictly driven by the public and did not emulate emanate from the City Council in any way."*

Page 11, paragraph 5: *Chair Lyle specifically asked Mr. Kwong, "Then I understand that you are saying July 1 is an acceptable start date." Mr. Kwong emphatically replied, "Yes.". During the brief interchanged which followed, Mr. Kwong also indicated that July 1, 2008 would be physically feasible as a start date.*

Page 13, paragraph 3:Commissioner Mueller disagreed, *saying the matter differs*

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because of the Housing Element requirements – and reminding the Housing Element is State law which must be adhered to.

Page 13, paragraph 4, line 10: (add)**CONTAINED THEREIN WITH A MODIFICATION OF THE ADDITION OF A SECTION FURTHER RECOMMENDING RESERVATION OF A GREATER PERCENTAGE OF THE TOTAL ANNUAL BUILDING ALLOCATION IN SUBSEQUENT FISCAL YEAR COMPETITIONS AS NECESSARY TO ACHIEVE THE 20% AFFORDABLE HOUSING REQUIREMENT, WORKING TO PROVIDE CORRECTION OF THE CURRENT DEFICIENT IN AFFORDABLE HOUSING UNITS.**

Page 13, paragraph 6:had *indicated in their January response to staff that they wished all 80 allotments to be awarded for FY 2008/09, but that Mr. Steinle's February 14, 2006 letter had requested an earlier start.*

Page 15, paragraph 2:....**CONTAINED THEREIN WITH A MODIFICATION OF THE ADDITION OF A SECTION FURTHER RECOMMENDING RESERVATION OF A GREATER PERCENTAGE OF THE TOTAL ANNUAL BUILDING ALLOCATION IN SUBSEQUENT FISCAL YEAR COMPETITIONS AS NECESSARY TO ACHIEVE THE 20% AFFORDABLE HOUSING REQUIREMENT, WORKING TO PROVIDE CORRECTION OF THE CURRENT DEFICIENT IN AFFORDABLE HOUSING UNITS.**

THE MOTION CARRIED BY THE FOLLOWING VOTE: AYES: KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: ACEVEDO.

**PUBLIC
HEARING:**

**1) ZAA-04-11/
UP-05-14:
COCHRANE-TBI**

A request for approval of a precise development plan to construct an approximate 77,000-sf commercial shopping center at the northwest corner of Cochrane Rd. and Madrone Pkwy. A conditional use permit is also requested for a bank with a drive-up window proposed within the shopping center. The subject site is 7.72 acres in size, and is zoned PUD, Planned Unit Development.

PM Rowe presented the staff report, noting that while SP Tolentino had done the project work, laryngitis prevented her from a verbal report. SP Tolentino was present for questions/explanations. PM Rowe explained that the request is for a precise development plan, as well as a separate conditional use permit (CUP) for a bank with a drive-up window. PM Rowe advised that in 2004, the City Council had adopted Ordinance No. 1695 which established a PUD for the site. The PUD, he said, defines the list of permitted and conditional uses for the site. PM Rowe noted that if a specialty grocery store wishes to occupy space in the center, a separate CP will be required.

Commissioner Acevedo arrived and was seated on the dais at 7:05.

PM Rowe further advised that on pages 6 and 7 of the staff report, a Table [Exceptions of City PUD Standards] was being presented. The standards, he detailed, were based on guidelines set by City Standards and the project is in substantial compliance with those guidelines, although the applicant has indicated intent to ask for variation to item #1

(Architecture). PM Rowe then highlighted the following:

- findings were prepared and have staff approval

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- project is compatible with surrounding uses
- the applicant will speak to the ATM drive-up and parking area

PM Rowe spoke briefly on the circulation element of the project, which would include extending the one-way bank drive-thru lane with a right turn only exit on to Cochrane Road. He advised that staff has expressed concern with the location of that turn because of its close location to the Sutter Boulevard intersection. PM Rowe made a recommendation that the drive-thru lane become an 'entrance only' or require modification to have traffic pattern - when exiting - circulate back into the parking lot and use the main driveway in the shopping center to exit the site.

Responding to a question from the Commissioners, PM Rowe said the 2004 General Plan Amendment addendum had been completed to report the trip-traffic patterns for the project. He advised that the PUD precise development plan would result in no new environmental impacts. PM Rowe also advised that there were two resolutions to be considered:

- the precise development plan (and again calling attention to the applicant's request for exception to #1)
- Use Permit for drive-up window

Commissioner Davenport clarified that the actions tonight, while talking about a potential grocery store of up to 15,000 sf. to be approved in development agreement, there was not a CUP for a grocery store under consideration at this meeting. Commissioner Davenport then turned to the drive-thru for the bank, asking if this would only be an ATM or be staffed by a 'live person'. SP Tolentino advised the ATM will have 24-hour access and said that in the application there was also reference to a live person at a drive up window. She indicated the applicant will address such matters during the public hearing.

Discussion ensued regarding the ability of customers to access a staff person at a window with another customer passing by an ATM, then the two drive aisles merging together before leaving the site.

Commissioner Escobar had questions about the western edge of the property, asking if the trees there were the only barrier dividing the subject property and the other adjacent properties. [Yes]

Chair Lyle called attention to items 1 and 2 of the referenced table. He noted that the ARB had conducted a preliminary report of the elevation, which the applicant has asked to be taller now and perhaps even taller for buildings in the future. "Are we moving ahead with elevations shown in plans presented to the Planning Commissioners, but have already been approved by the ARB?" Chair Lyle asked. He continued by saying there is confusion with the single story buildings as pictured, but the staff report talks of ARB approval. SP Tolentino said the ARB has reviewed the matter and is satisfied with the elevations proposed, ***but the ARB did not receive or approve any elevations reflecting the height now being allowed by the amended table.***

Chair Lyle then turned to #5 of the table, asking if there was intent to 'drop' this item in view of permissions given to other recent centers? [Yes]

Chair Lyle then questioned SCE Creer in a quest to understand, with respect to Madrone Parkway, where the City would be making changes, "How will traffic be making

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transitions at that location?" SCE Creer explained that the City continues working on the issue of a left turn from Madrone as traffic turns onto Madrone Parkway where there are two lanes, but only one left turn from Cochrane creating a very 'quick merge' which results in a 'race type action' and assuring, 'that will be eliminated, widened, and become one lane only, which will facilitate traffic movement.' SCE Creer continued, "Also there will be an island at the Chevron Station which will help to channel traffic so the cars will not merge, but will be forced to make turns at Woodview or Sutter streets."

Considerable discussion ensued regarding: when drivers saw spillover from HWY 101, the travelers took Cochrane and turned onto Madrone Parkway through the business park. SCE Creer explained that the City has asked for a right-of-way dedication to accommodate future widening and has future plans to look at eliminating left turns at set times onto Madrone Parkway. He assured that the City is planning to accept dedication of the right of way timely. SCE Creer concluded by speaking to the traffic study.

Chair Lyle opened the public hearing.

The applicant, Brad Krouskup, Toeniskoetter & Breeding, Inc. Development, was present to speak to the Commissioners, advising that the architect was present as well. Mr. Krouskup was highly complimentary of the staff and their work, saying he had only minor differences. Mr. Krouskup said he was presenting a project which will be 'one of finest in the South County Area, both in design and trade to area. "This is a great project and we have wanted to market the program, but needed to modify it because of the risk value." Mr. Krouskup explained, "So we have planned a two-phase project." He told of potential tenants to the center: banks, etc. Mr. Krouskup then talked about past actions of the formation of an assessment district for this property, and told of plans which will help rectify any problems 'not already worked out'. Mr. Krouskup assured that if right-of-way widening is necessary that will be completed.

"One issue we have is the exit drive mentioned by PM Rowe," Mr. Krouskup said. He told of having talked with SCE Creer regarding the exiting traffic and telling the Commissioners that he thought the single-lane left turn only would be the best solution. Mr. Krouskup explained that if the right turn exit only drive on to Cochrane Road is not acceptable, that he wanted the customers to drive through the aisle around the front of the building where a 30-foot landscape area is located. The drive-thru lane would exit back into the parking lot. Mr. Krouskup then gave details of his option for a bermed landscape.

Commissioner Escobar asked Mr. Krouskup if the tree line on the west edge of the property might help to mitigate traffic going in by providing access (for pedestrians) from adjacent properties to this site. Mr. Krouskup explained that his firm owns that property, as well and therefore did not perceive 'much of a problem to have pedestrian access from that western side'. Mr. Krouskup promised to 'look at it' saying, 'It's a good thought.' Whereupon Commissioner Mueller commented, such passage would be 'inevitable'.

Chair Lyle asked if the planned berming would be high enough to prevent issues with on-coming headlights. Mr. Krouskup said it should be, as there would 25-feet to work within. Chair Lyle expressed doubt that the lights shining into neighboring places/on-coming traffic would be diminished unless the berm heights were to be increased.

PM Rowe said the proposed drive aisle would be the same configuration as the KFC restaurant in town.

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Chair Lyle then raised the issue of ‘attractiveness of design’, asking, “Why franchise design?” Mr. Krouskup responded, “We need the flexibility. We’ve had conversations with restaurants – they may want to come in the future and they bring their own architecture with them.” Mr. Krouskup went on to tell of work completed and anticipated in the Madrone Business Center, saying, “This is just a request for flexibility. We don’t want to discount that someone of benefit may want to come and bring their logos to the City. Since such facilities would be of benefit, we are asking they not be discounted.” Mr. Krouskup concluded by saying, “We don’t mind reviews of certain features, but we don’t want to degrade the project as shown.”

With no others present to address the matter, the public hearing was closed.

Chair Lyle again raised the issue of dropping #5 in Table one of the staff report.

Staff was asked to comment on the drive-thru which would encroach into the landscape. PM Rowe referenced that the berming at the Taco Bell restaurant on Dunne Avenue had the inclusion of a retaining wall inside, which made for a higher berm.

SP Tolentino suggested there maybe consideration of the drive-thru being placed at the north side of the building. Mr. Krouskup clarified he had suggested rotating the building, but would be amenable to having the drive-up window stay on the same side.

Chair Lyle was requested to reopen the public hearing.

Mr. Krouskup explained the location of the drive-up windows, saying this feature would stay in basically the same spot, and then cars would meander around the building to join into a single lane and onto the parking field. Mr. Krouskup reiterated that the ‘entrance only’ doesn’t work.

Commissioner Mueller asked if there would be an ATM on the second drive aisle. Mr. Krouskup responded that was what was planned.

Commissioner Acevedo asked about the landscaping adjacent to the building and questioned the path of cars on the outside lane. Craig Almeleh, the architect, was present to explain the planned landscape with a retaining wall for screening. Mr. Almeleh said the landscaping would be on both sides of the drive aisles, it being limited next to the building.

The public hearing was closed.

Commissioner Benich commented that this is the first time he’d seen the plan and that it looks like ‘high quality’. However, Commissioner Benich said he thought that even though it would be a good addition to the City, he was not in favor of franchise architecture and also not in favor of any buildings in excess of 40-feet in height. Commissioner Benich continued that he was very concerned about Cochrane Plaza and had been very concerned that as other projects in the area have been approved – it would be to the detriment to Cochrane Plaza (he mentioned the potential vote on a grocery store in June) and stated, “Then I don’t want a grocery store here.”

Commissioner Mueller countered that he didn’t think a grocery store is key to what will happen in Cochrane Plaza. He talked about the assessment district on this property and

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said, "This is high priced land," as he compared other centers and the prices of land. "So Cochrane Plaza is in the middle of a million square feet of retail – they are in good position," Commissioner Mueller said, as he determined the Target space to be just under 80,000 sq. ft., noting that Cochrane Plaza will have much space to work in – and that the 'buzz' in the market place is due to other projects, with a lot of discussion about a grocery store, adding, "But I don't think a grocery store is key."

Chair Lyle commented that it appears City leaders' thinking about a grocery store in Cochrane Plaza was 'a little softer than was thought a couple of months ago'.

PM Rowe noted that work by Cochrane Plaza to fill the Target space has been progressing, so it might not be an issue for long.

Commissioner Benich explained his goal: not having Cochrane Plaza deteriorate to what others, e.g., Tennant Station, had been for a lengthy period of time.

Commissioners noted the following regarding the matter of franchise architecture:

- national chains have certain elements they will want to bring along, so if franchise architecture is absolutely ruled out, it could be detrimental
- accent items – and whether those are franchise architecture or not
- current elevations of towers: 30 – 34 feet

Chair Lyle was requested to reopen the public hearing.

Architect, Craig Almeleh, 2960 E. Northern Ave., Phoenix Arizona, told Commissioners that the towers were the only higher element and that the rest of the buildings are at 30-feet. Mr. Almeleh told of the proportionate scale and said he did not envision a higher building elevation. "We tried to do a good job of screening and the building in back needs to 'climb', Mr. Almeleh said. He went on to speak of the goal of retaining the California mission architecture style.

Commissioner Acevedo stated this project is reminiscent of the project at the Gateway – and looks similar to both the Schilling project and the projects of the Business Park along Sutter Street. Commissioner Acevedo mentioned others buildings of similar heights in the City.

The public hearing was closed.

Chair Lyle revisited the issue of traffic, noting that Mr. Krouskup had talked about channelization so there would not be the ability to turn right. When asked, SCE Creer said that from an engineering standpoint, he was not comfortable with that.

Staff was directed to change Table 1, item 3, to eliminate the franchise architecture as a result of a straw vote.

Other items discussed were:

- building height (Table 1, #1) with some opposition to 50 feet and discussion of architectural design in phase 2
- signage: SP Tolentino explained page 9, section f of the Resolution; by informal consensus, signage on the towers was to be regarded by staff

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- agreement (general) on channelization as requested by the applicant
- clarification as to the amount of landscaping

Commissioner Mueller discussed the need for clarifying the dimension of the landscaping. SP Tolentino said the exception needed could replace #5, Table 1.

It was further agreed to include language (to be determined by staff, with input from the applicant) in the Resolution, page 9, regarding pedestrian access from the western side of the property.

COMMISSIONER MUELLER MOTIONED TO ACCEPT AND APPROVE THE NEGATIVE DECLARATION, INCLUDING THE ADDENDUM. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

COMMISSIONER MUELLER OFFERED A RESOLUTION RECOMMENDING APPROVAL TO ADOPT A PRECISE DEVELOPMENT PLAN AND PUD GUIDELINES FOR A PLANNED UNIT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF COCHRANE ROAD AND MADRONE PARKWAY, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN, AND WITH THE FOLLOWING MODIFICATIONS:

Table 1

Item 1, signage ~~with~~ will

be limited with no signage on architectural detail above the main roofline

Item #3, (add) to meet City standards

Item 5, eliminated [staff to replace with clarification of dimensions of landscaping and add as new 5]

(Add) Item 8 providing for an exception for a 30-foot landscaping along Cochrane Road for an entrance to the main parking lot

Page 9, request for applicant to make pedestrian access along the western side of property

COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH PASSED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

COMMISSIONER MUELLER OFFERED A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR A BANK WITH A DRIVE-UP TELLER WINDOW ON A 7.72-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF COCHRANE ROAD AND MADRONE PARKWAY, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN. COMMISSIONER ESCOBAR SECONDED THE MOTION, WHICH CARRIED WITH THE FOLLOWING VOTE: AYES: ACEVEDO, KOEPP-BAKER, BENICH, DAVENPORT, ESCOBAR, LYLE, MUELLER; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Commissioner Mueller commented this is a 'good project – and is moving along well'.

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2) UP-06-02: MONTEREY- PAWS PLACE

A request for approval of a use permit to allow a Paws Place dog daycare kennel at an existing building located at 15790 Monterey Rd. The project site is zoned Planned Unit Development – General Commercial.

PM Rowe gave the staff report, explaining the proposed location of the facility in relation to other uses in the area. PM Rowe advised the applicant is not proposing building exterior alterations and provided information about the sound wall and the proximity of the CDF demonstration garden. PM Rowe told of the prepared findings and noticed concerns regarding the outdoor space where a dog run/'potty area' is planned. He explained that because of those concerns, a recommendation is being made that the CUP be reviewed after six months of operation of the business. PM Rowe noted this operation is patterned after the applicant's business in Campbell.

Commissioner Escobar initiated discussion regarding the location of buildings on the CDF site. He also asked if animals are currently kept overnight at the existing Veterinary center [Yes] and whether any complaints were on record about that facility. PM Rowe responded, "No, and that was one of the considerations for recommending approval of this use permit."

Chair Lyle and Commissioner Benich disclosed visits to the proposed location.

The Commissioners discussed the following:

- Standard Conditions, page 9, asking why items B and F and item B on page 14 - need to 'uncheck'
- use of outside dog run after the close of business [no dogs outside after 7:00 p.m.]
- hours of operation
- sound absorbing materials used for fencing installation [PM Rowe advised checking effectiveness of this material was a prime consideration of the staff initiated request for a six-month review]
- location of preschool [under construction]
- entrance to facility

Chair Lyle opened the public hearing.

Stacey Sell, 531 Echo Valley Road, Prunedale, told Commissioners he had lived in Campbell and the applicants had cared for his four dogs (reiterating several times that three of the dogs were deaf and needed special care) on many occasions. Mr. Sell emphasized the dependability of the applicants.

Bob Shepherd, 20491 Forest Hills, explained he was the real estate agent for Paws Place (business name of the operation). Mr. Shepherd praised the applicants as being 'smart business people looking to expand the current operations'. "They want a sense of community, to connect and contribute in the community," Mr. Shepherd stressed, as he added that a big bonus is the veterinary clinic next door. Mr. Shepherd told of the applicant's current operation and repeated that Paws Place will be a 'good alternative' to having a family pet alone all week, providing an overview of the current operation in Campbell, as he asked for approval of the request.

Tina Alexander, 2270 Bayo Claros Circle, told Commissioners she is a small business owner in the City and was not present to oppose the application, but to inform of

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concerns that her clients and members of the community had brought to her. Ms. Alexander said she is an active part of the 'canine community' as owner of the Pet Station on Monterey Road in the City, and stressed her work toward having a dog park. Ms. Alexander noted concerns that this particular business location might not be appropriate because of the proximity to the day care. Ms. Alexander also said that a dog owner's lack of discipline, which often resulted in danger to the pets themselves or others, i.e., not using a leash and permitting the animals to run into a roadway. Ms. Alexander reiterated that she was representing 'concerned citizens trying to educate as to the potential concerns and issues'. It was noted that Charles Weston had sent forward the letter which triggered Ms. Alexander's appearance at this meeting.

Vickie Casey, 13505 Murphy Avenue, indicated her questions regarded dog safety, as she noted that according to the application files, there appeared to not be enough space for the number of dogs proposed to be on-site. Ms. Casey asked about the evaluation of dogs before arrival for a stay. She also listed concerns about the dog's potty area and spoke on the logistics of getting dogs to void at predetermined locations. Ms. Casey told the Commissioners, "My concerns are not about the facility or the individual care, but the numbers of dogs proposed."

Kristine Warvi, 15700 Monterey Road, the applicant addressed the following:

- entrance to the business [would be closest to the day care and was chosen because it contains the largest glass area which would create a good vantage point in the reception area]
- current location in Campbell is in a busy area on a City street
- been in current location 12 years with no incidents
- adamantly insist that all dogs be on lease [all marketing stresses that]
- explained layout of building and areas for kennels and play areas
- generally day care only; limited number of dogs for overnight
- full explanation of the pet-a-potty
- procedures for cleaning elimination area
- maximum of 15 dogs outside at one time – which would be limited to breaks for fresh air and sun
- indoor potty area
- evaluation of dogs [emphasizing the voicemail message which explains operations so clients can know if animals will 'fit', followed by exchange of e-mails with further information, followed by an invitation to come in with dog]
- rarity of drop-in clients
- Campbell facility is 2,000 sf where 40 dogs are allowed, with the business averaging 20 – 25 at a time
- intent to install air purification, humidifiers, etc in the building

Chair Lyle asked if Ms. Warvi would have a problem with a restriction to 70 dogs. Ms. Warvi responded, "No, we wouldn't want to go beyond that."

Responding to a question from Commissioner Escobar, Ms. Warvi spoke to other businesses nearby and the use of shared water facilities.

Commissioner Koepp-Baker asked Ms. Warvi to address issues of

- parking
- employees ratio to dogs
- numbers of employees [maybe two]

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- cleaning of outside run area
 - pet-a-potty boxes cleaned daily (1/mo. ok)
 - gravel natural enzyme weekly
 - cinder block cleaned daily using a scrub brush with disinfectant and water hose for spraying
 - no dedicated drain just dirt and gravel

Ms. Warvi explained the line of items to be carried for sale in response to a question from Commissioner Acevedo. [Small portion of business - limited to toys, leashes, etc.; very limited food sales]

Ms. Warvi also explained the intent to have a groomer visit the business as a convenience to the customers.

Jim Castienadl, 1732 N First St., San Jose, explained he is the managing partner for all the buildings in the complex and would be available for questions from the Commissioners. Chair Lyle said a concern is the 'mix' of the preschool and the dogs. Mr. Castienadl spoke at length on the fencing, which he said would provide 'two degrees of separation'. Mr. Castienadl also advised that the Veterinarian located in the center is very supportive of the project.

With no others present to address the matter, the public hearing was closed.

The Commissioners discussed with staff:

- Proximity of dog-run/play area to the child care facility
- double fence
- possible expansion of parking lot
- question of need for evacuation plan for pets [PM Rowe said he was not aware of regulations extending to animals and indicated the safe evacuation of children at the day care center would be first; Commissioners said they thought it would be rare for evacuation of the two buildings to occur simultaneous]
- concerns about elimination area
- concern of the interaction of (possibly excessive) noise from the children and the dog's reaction [PM Rowe noted that the noise concerns had been raised by staff and reminded of the recommendation for the 6-month review.

Chair Lyle was requested to reopen the public hearing.

Commissioner Mueller asked the applicant, "What if the use permit is granted, and at the end of six months the outside area 'doesn't work'?" Ms Warvi responded that at the present time her entire operation is inside a building and she is accustomed to working inside, so that would not be an issue.

With no others present to address items concerning the matter, the public hearing was closed.

Commissioner Acevedo told of an animal hospital located at the area of Vineyard and Tennant, where the dogs are outside and 'bark a lot', noting the location of other businesses in the area. "How many complaints have been received from business owners there," Commissioner Acevedo asked. [none]

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Commissioner Koepp-Baker asked, "What did staff look at relating to the outside area (dog run/potty area) keeping it clean, etc." She indicated that she had concern about water hoses being left in the area, no drain in that field, etc. Did staff look at those issues?" she asked. PM Rowe responded that staff had concentrated on the concern of odors which were addressed in City Ordinance provisions – and reminded that after six- months, the use permit will be revisited. "If there are problems, then we can direct the applicant to discontinue using the outdoor space."

COMMISSIONER BENICH OFFERED THE RESOLUTION APPROVING A DOG DAYCARE AND KENNEL AT 15790 MONTEREY ROAD, SUITES 250, 350, AND 450 IN A PLANNED UNIT DEVELOPMENT, INCLUDING THE FINDINGS AND CONDITIONS CONTAINED THEREIN AND WITH THE ADDITION OF:

Section 5: there shall be a review of the operations following six months of business to ascertain whether the noise and/or odor levels meet City ordinance standards and

Section 6: the number of animals permitted shall be limited to a maximum of 70 dogs

THE MOTION WAS SECONDED BY COMMISSIONER MUELLER AND PASSED WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

ANNOUNCEMENTS: PM Rowe reported that the City Council will meet March 1 (the following evening) with plans for reviewing the Planning Commissioners' recommendation of establishing an 'early start of construction policy'. He said it was also expected that the Council would ratify the Planning Commission recommendation of 'going into the 3rd year for allocations', which PM Rowe said may require some adjustments to the set-asides once the State Department of Finance Population Estimate for Morgan Hill is released at the end of April.

The Commissioners engaged in brief discussion with staff regarding the allotments. Responding to an issue raised by Commissioner Acevedo, Commissioner Mueller clarified that there is no appeal to the decisions regarding the allocations awarded. PM Rowe advised that the discussion by the City Council will be concentrated on the third-year allocations for 2009-2010.

The Commissioners briefly speculated that there may not be a competition in 2006 for RDCH housing allocations.

PM Rowe spoke on the Special Planning Commission Meeting scheduled for Tuesday, March 21, 2006, at 7:00 p.m. in the City Council chambers, to consider action on urban island areas (properties identified as being in the County located within the City) which LAFCO has identified as 'substantially surrounded by the City of Morgan Hill. PM Rowe noted many of the properties in the island annexations have already been pre-zoned as part of the land owners' annexation requests. Commissioner Mueller asked if an EIR is associated with the matter. [no, but environmental review is part of the process] Commissioner Mueller strongly urged the environmental documents be provided to the Commissioners soon, as it is likely to be lengthy.

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ADJOURNMENT: Declaring there to be no further business to come before the Commission at this meeting,
Chair Lyle adjourned the meeting at 8:45 p.m.

MINUTES PREPARED BY:

JUDI H. JOHNSON, Minutes Clerk